

Section 102 Rejections

A single novelty rejection has been applied against the claims. All of the claims stand rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,435,175 to Stenzler.

The Stenzler patent has a 102(e) date of August 29, 2000. The priority date of this application is March 17, 2000. Accordingly, the priority date of this application precedes the effective prior art date of the Stenzler reference.

The claim of priority has been perfected by the submission of a certified copy of the priority document, German Application No. 100 13 093.3, which has already been acknowledged. Applicants herewith submit a translation of the priority document, which contains substantially the same disclosure as the subject application. The specification matches nearly word for word, but has been adapted to more closely follow conventional U.S. practices. Applicants certify that the translation of the priority document is accurate.

Accordingly, the Stenzler patent is not prior art to the subject application.

New Claims

Apparatus claims 12-18 and method claims 19-25 have been added to more fully set forth that which applicants regard as their invention. The new apparatus claims define the invention with emphasis on its structural limitations with respect to the original claims. New claims 19-25 define the invention with emphasis on its functional limitations with respect to the original claims. No new matter is involved. The invention is described in the original specification and claims in similar structural and functional terms.

* * *

With this amendment correcting matters of indefiniteness, and with the submission of the translation of the priority document eliminating the Stenzler patent as prior art, all of the claims are believed

to be in condition for allowance. Accordingly, reconsideration and allowance of the claims 1-25 are respectfully requested.

A marked-up version of the claim changes follows as a part of this response.

For any question on these amendments, the Examiner is invited to call applicants' representative.

Respectfully submitted,
EUGENE STEPHENS & ASSOCIATES



Thomas B. Ryan, Reg. No. 31,659
Customer No. 29988

TBR:cba

Enclosures

Dated: **JAN 22 2003**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

Date of Deposit: **JAN 22 2003**

Signature: _____



Version with Markings to Show Changes Made**In the Specification**

Please amend the specification on page 9, lines 1 and 2, by amending the title as follows:

DEVICE FOR THE CONTROLLED INHALATION OF [THERAPEUTICAL]
THERAPEUTIC AEROSOLS

In the Claims

Please amend claims 1, 2, 5, 6, and 9-11 and add new claims 12-25 as follows:

1. (ONCE AMENDED) A device for the controlled inhalation of therapeutic aerosols during breathing maneuvers[,] comprising:
means for providing individual patient parameters and/or aerosol parameters for the inhalation; and
adjusting means for adjusting individual aerosol doses on the basis of the predetermined individual patient parameters and/or aerosol parameters.
2. (ONCE AMENDED) The inhalation device according to claim 1, wherein the [provision] means for providing individual patient parameters and/or aerosol parameters for the inhalation comprise a memory medium.
5. (ONCE AMENDED) The inhalation device according to claim 1, wherein the [provision] means for providing individual patient parameters and/or aerosol parameters for the inhalation comprise a modem.
6. (ONCE AMENDED) The inhalation device according to claim 1, wherein the [provision] means for providing individual patient parameters and/or aerosol parameters for the inhalation comprise input means for manually inputting individual parameters.

9. (ONCE AMENDED) The inhalation device according to claim 1, wherein the [provision] means for providing individual patient parameters and/or aerosol parameters for the inhalation are provided with manually operable control units and/or switches.

10. (ONCE AMENDED) The inhalation device according to claim 1, wherein the adjusting means for adjusting the individual aerosol doses reads out the individual patient parameters and/or aerosol parameters for the inhalation from the [provision] means for providing individual patient parameters and/or aerosol parameters for the inhalation, evaluates them and, on the basis thereof, adjusts the respiratory flow and the tidal volume of the inhalation device.

11. (ONCE AMENDED) Use of the inhalation device according to claim 1 for inhaling medicinal agents that become effective topically in the respiratory system or systemically comprising the steps of:
providing individual patient parameters and/or aerosol parameters for the inhalation; and
adjusting individual aerosol doses on the basis of the predetermined individual patient parameters and/or aerosol parameters.

12. A device for the controlled inhalation of therapeutic aerosols during breathing maneuvers comprising:
an input mechanism that inputs into the device individual patient parameters and/or aerosol parameters for the inhalation;
and
an adjustment mechanism that adjusts individual aerosol doses administered by the device on the basis of the predetermined individual patient parameters and/or aerosol parameters.

13. The device of claim 12 wherein the input mechanism includes a memory medium.

14. The device of claim 13 wherein the individual patient parameters and/or aerosol parameters for the inhalation are stored by the memory medium before inhalation.

15. The device of claim 14 wherein the memory medium also stores the breathing maneuvers carried out.

16. The device of claim 12 wherein the input mechanism includes a modem.

17. The device of claim 12 wherein the input mechanism includes manual control units.

18. The device of claim 12 wherein the adjustment mechanism accesses the individual patient parameters and/or aerosol parameters for the inhalation through the input mechanism; evaluates them; and, on the basis thereof, adjusts respiratory flow and title volume of the inhalation device.

19. A method for the controlled inhalation of therapeutic aerosols during breathing maneuvers comprising the steps of:
inputting into a device individual patient parameters and/or aerosol parameters for the inhalation; and
adjusting individual aerosol doses administered by the device on the basis of the predetermined individual patient parameters and/or aerosol parameters.

20. The method of claim 19 wherein the step of inputting includes inserting a memory medium into the device.

21. The method of claim 20 wherein the individual patient parameters and/or aerosol parameters are stored on the memory medium.

22. The method of claim 21 wherein the memory medium also stores breathing maneuvers carried out.

23. The method of claim 19 wherein the step of inputting includes receiving individual patient parameters and/or aerosol parameters for the inhalation through a modem.

24. The method of claim 19 wherein the step of inputting includes manually inputting the individual patient parameters and/or aerosol parameters for the inhalation.

25. The method of claim 19 wherein the step of adjusting includes evaluating the individual patient parameters and/or aerosol parameters for the inhalation and, on the basis thereof, adjusting respiratory flow and tidal volume of the inhalation device.